

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: Patrice Cardine
Serial No.: 10/511,119
Filed: March 17, 2005
Group Art Unit: 3634
Examiner: Redman, Jerry E.
Title: BRACKET FOR WINDOW REGULATOR, WINDOW
REGULATOR AND VEHICLE BODY

Mail Stop Appeal Brief- Patents
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

APPEAL BRIEF

Dear Sir:

Subsequent to the filing of the Notice of Appeal on June 22, 2010, Appellant hereby submits its brief. The Commissioner is authorized to charge the amount of \$540.00 and any additional fees or credit any overpayment to Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C.

REAL PARTY IN INTEREST

The real party in interest is ArvinMeritor Light Vehicle Systems - France, the assignee of the entire right and interest in this Application.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF CLAIMS

Claims 2-10, 12, 15, 17, 19, 21 and 23-29 are pending in this application. Claims 2-10, 12, 15, 17, 19, 21 and 23-29 stand finally rejected under 102(b). The rejection of claims 2-10, 12, 15, 17, 19, 21 and 23-29 is being appealed.

STATUS OF AMENDMENTS

All amendments have been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

As shown in Figures 1 and 4, this invention relates to a vehicle body 34 including a window regulator 32 and a lug 14 for fixing the window regulator 32 (page 3, lines 11 to 12 of the substitute specification). The window regulator 32 includes a guide rail 12 defining a window-guiding Z direction and including ends (page 3, lines 15 to 16 of substitute specification). The guide rail 12 carries the lug 14 at one of the ends (page 5, lines 31 to 33 of the substitute specification). The window regulator 32 also includes a bridge fitting 24 for fixing the window regulator 32 in the vehicle body 34 (page 5, lines 10 to 12 of the substitute specification). The lug 14 includes a first part 16 for fixing to the guide rail 12 and a second part 18 defining a plane fixed by screwing onto the bridge fitting 24 (page 4, lines 24 to 30, page 5, lines 10 to 12 of the substitute specification). A screwing direction is a normal line N substantially perpendicular to the plane, and the normal line N is inclined relative to the window-guiding direction Z (page 5, lines 9 to 10). This basic structure is set forth in Claim 9.

Independent claim 24 recites a window regulator 32 including a lug 14 carried by a window regulator 32 (page 3, lines 11 to 12 of the substitute specification). The lug 14 includes a first part 16 for fixing to a guide rail 12 and a second part 18 for fixing to a vehicle body 34 (page 4, lines 24 to 30, page 5, lines 10 to 12 of the substitute specification). The guide rail 12 defines a window-guiding direction Z, and the second part 18 defines a plane fixed by screwing onto the vehicle body 34 of a vehicle (page 3, lines 15 to 16 of substitute specification). A screwing direction is a normal

line N substantially perpendicular to the plane, and the normal line N is inclined relative to the window-guiding direction Z (page 5, lines 9 to 10).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

- A. Are Claims 2-10, 12, 15, 17, 19, 21 and 23-29 properly rejected under 35 U.S.C. 102(b) based on Rieder (EP 0262283)?

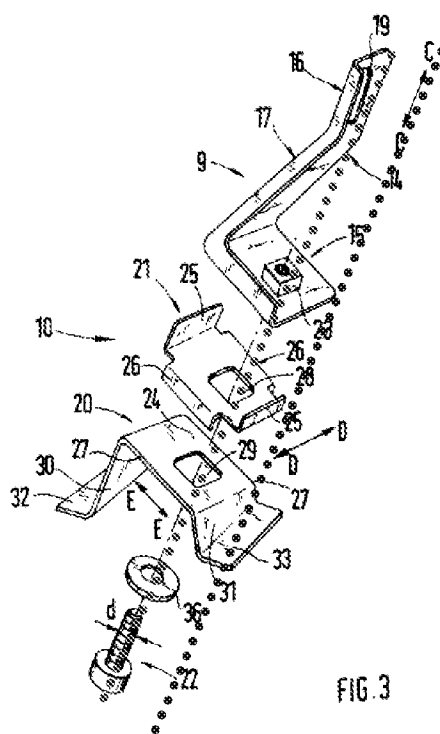
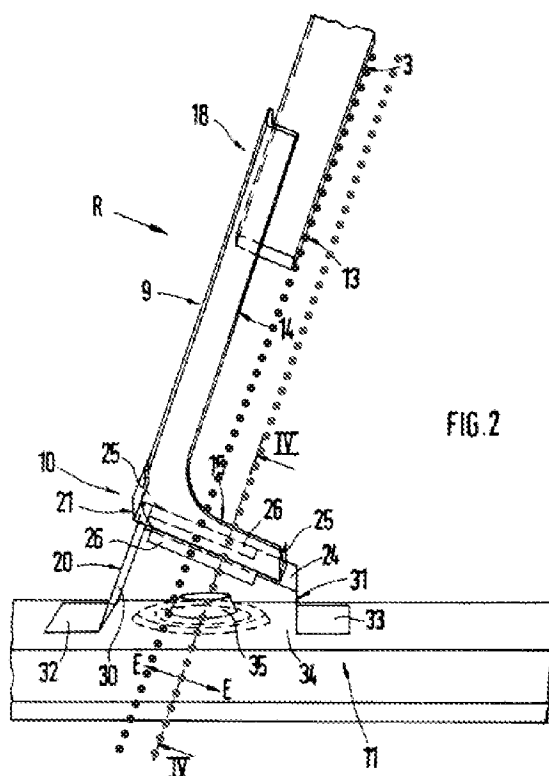
ARGUMENTS

- A. Obviousness of Claims 2-10, 12, 15, 17, 19, 21 and 23-29 based on Rieder.**

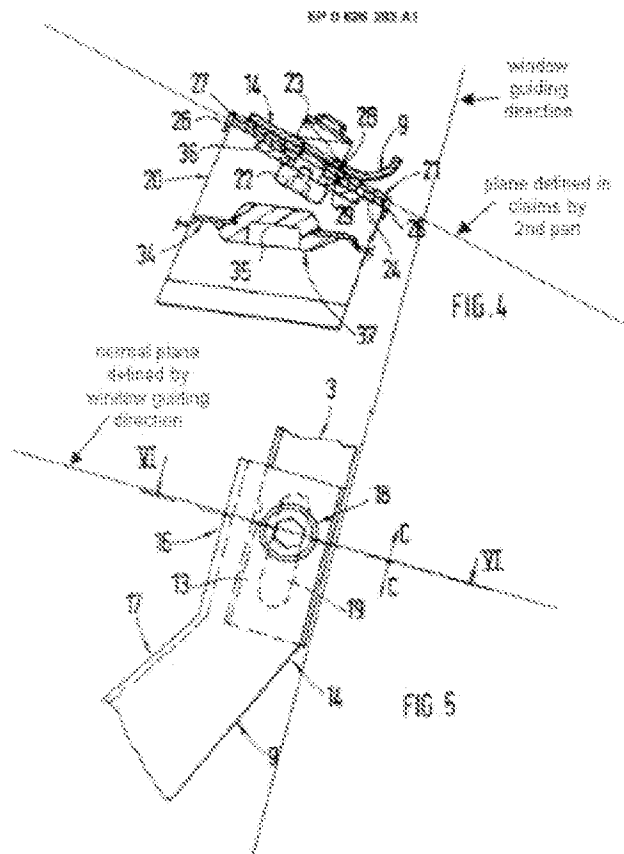
Claims 3, 4, 6-10, 12, 15, 17, 19, 21, 23-26 and 28

Claims 2-10, 12, 15, 17, 19, 21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Rieder (EP 0262283). Rieder does not disclose a lug including a second part defining a plane for fixing to a vehicle body and a screwing direction that is a normal line substantially perpendicular to the plane that is inclined relative to a window-guiding direction. The Examiner is calling the parts 15 and 21 the second part. The claimed invention recites that the guide rail defines the window-guiding direction.

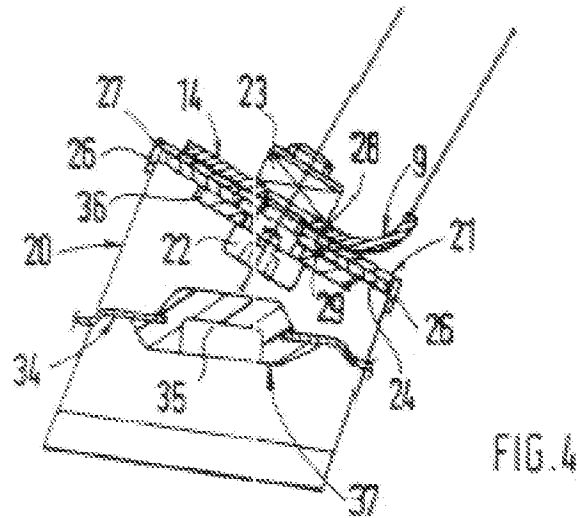
In Rieder, the window-guiding direction is always parallel to the screwing direction. As shown in Appellant's annotated Figures 2, the left dotted line represents the window-guiding direction, and the right dotted line represents the screwing direction. As further shown in Appellant's annotated Figure 3, the right dotted line represents the window-guiding direction, and the left dotted line represents the screwing direction. As shown, the dotted lines are parallel. Rieder does not disclose that the screwing direction is inclined relative to a window-guiding direction, and the claimed invention is novel.



In the Office Action, the Examiner included the below annotated Figures 4 and 5 to support his arguments. The Examiner determined the window guiding direction in Figure 5, and then extrapolated this line to Figure 4. From Figure 4, the Examiner added a line that showed the plane defined by the second part (the claims further recite that the screwing direction is a normal line perpendicular to the plane; this normal line is not shown in the Examiner's annotated Figure 4). However, there is no correlation between the window guiding direction of Figure 5 and the window guiding direction of Figure 4. The specification also does not disclose any relationship between these Figures, and the Examiner cannot arbitrarily determine that the orientation of the features of Figure 4 have any relationship to Figure 5. Again, returning to Appellant's annotated Figure 3, the window guiding direction (the left line in Figure 3) is substantially parallel to the screwing direction (the right line in Figure 3) and not inclined as claimed.



Appellant's annotated Figure 4 is reproduced below. The window guiding direction (extrapolated from the element 9 which leads to the guide rail 3) is parallel to the line normal to the parts 15 and 21 (which the Examiner is calling the second part) that defines the screwing direction, which is further shown in Appellant's annotated Figure 3.



Finally, Claim 1 of the issued claims of Rieder also supports Appellant's argument. Claim 1 (lines 47 to 48) cites that the abutment face 24 of a holding bracket 20 is orientated at a right angle to the guide rail 3. In Rieder, the abutment face 24 is parallel to the parts 15 and 21. As the bolt 22 is received in the abutment face 24, the bolt 22 is perpendicular to the abutment face 24 and therefore parallel to the guide rail 3.

Claim 2

The rejection of claim 2 is separately contested from the rejection of claim 24. Claim 2 recites that the normal line is inclined at an angle of approximately 45° relative to the window-guiding direction. Rieder does not disclose this angle as claimed. The claimed invention is novel.

Claim 5

The rejection of claim 5 is separately contested from the rejection of claim 24. Claim 5 recites that the hole is substantially oblong. In Rieder, the recess 28 is square and not oblong as claimed. The claimed invention is novel.

Claim 27

The rejection of claim 27 is separately contested from the rejection of claim 24. Claim 27 recites that no portion of the second part of the lug is located outside of a plane. In Rieder, the part 21 includes flanges 25 and 26 which are not located in the plane of the part 21. The claimed invention is novel.

Claim 29

The rejection of claim 29 is separately contested from the rejection of claim 24. Claim 29 recites that the second part contacts the vehicle. In Rieder, the parts 15 and 21 do not contact the vehicle body, as shown in Figure 3. The claimed invention is novel.

CONCLUSION

For the reasons set forth above, the rejection of all claims is improper and should be reversed. Appellant respectfully requests such an action.

Respectfully Submitted,
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Dated: September 2, 2010

CLAIM APPENDIX

2. The window regulator according to claim 24, wherein the normal line is inclined at an angle of approximately 45° relative to the window-guiding direction.
3. The window regulator according to claim 24, wherein the first part and the second part are connected to each other by a connection that extends in a plane substantially perpendicular to a plane containing the window-guiding direction.
4. The window regulator according to claim 3, wherein the second part includes a hole for the passage of a member for fixing the lug onto the vehicle body.
5. The window regulator according to claim 4, wherein the hole is substantially oblong.
6. A window regulator according to claim 24, wherein the guide rail has ends, and the guide rail carries the lug at one of the ends.
7. The window regulator according to claim 6, further including a window slide guided by the guide rail.
8. The window regulator according to claim 6, wherein the guide rail is a window runner.

9. A vehicle body comprising:
 - a window regulator including:
 - a lug for fixing the window regulator;
 - a guide rail defining a window-guiding direction, the guide rail including ends, wherein the guide rail carries the lug at one of the ends; and
 - a bridge fitting for fixing the window regulator in the vehicle body,wherein the lug includes a first part for fixing to the guide rail, and a second part defining a plane fixed by screwing onto the bridge fitting, a screwing direction being a normal line substantially perpendicular to the plane, and the normal line is inclined relative to the window-guiding direction
10. The vehicle body according to the claim 9, wherein the bridge fitting includes a surface, and the normal line is substantially perpendicular to the surface.
12. The window regulator as recited in claim 24, wherein the normal line and the window-guiding direction are non-parallel.
15. The window regulator as recited in claim 24, wherein the second part is a planar portion.
17. The window regulator as recited in claim 6, wherein the normal line and the window-guiding direction are non-parallel.
19. The window regulator as recited in claim 6, wherein the second part is a planar portion.
21. The vehicle body as recited in claim 9, wherein the normal line and the window-guiding direction are non-parallel.
23. The vehicle body as recited in claim 9, wherein the second part is a planar portion.

24. A window regulator comprising:
a lug carried by a window regulator, the lug including:
a first part for fixing to a guide rail, the guide rail defining a window-guiding direction, and
a second part for fixing to a vehicle body, the second part defining a plane fixed by screwing onto the vehicle body of a vehicle, a screwing direction being a normal line substantially perpendicular to the plane,
wherein the normal line is inclined relative to the window-guiding direction.
25. The window regulator as recited in claim 24, wherein the normal line is non-parallel and non-perpendicular to the window-guiding direction.
26. The window regulator as recited in claim 24, wherein an entirety of the second part of the lug is flat and planar.
27. The window regulator as recited in claim 24, wherein no part of the second part of the lug is located outside of the plane.
28. The window regulator as recited in claim 4, wherein the hole is completely surrounded by material of the second part.
29. The window regulator as recited in claim 24, wherein the second part contacts the vehicle body.

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None

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